

Remarks

This is in response to the non-final Office Action mailed on April 22, 2004. Claim 19 has been canceled without prejudice or disclaimer. Claims 6, 11, and 16 have been amended to address informalities, and claim 16 has been amended to incorporate subject matter from claim 19. Claims 1-18 and 20 remain pending. Reconsideration and allowance are respectfully requested in view of the following remarks.

I Claim Rejections - 35 U.S.C. § 112

In sections 2-5 of the Action, claims 6, 11, and 16 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 6, 11, and 16 have been amended to address the lack of antecedent basis identified in the rejection. Reconsideration and allowance of claims 6, 11, and 16 are respectfully requested.

II. Claim Rejections - 35 U.S.C. § 103

In section 7 of the Action, claims 1-3 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Henmi (U.S. Patent No. 5,803,775) in view of Kobayashi (U.S. Patent No. 4,252,075). This rejection is respectfully traversed, and reconsideration is respectfully requested in view of the following remarks.

Claim 1 is directed to a personal watercraft. Claim 1 recites, among other limitations, a steering nozzle mounted onto a trim ring with upper and lower support shafts, the upper and lower support shafts being upper and lower bolts. Claim 1 further recites that the upper and lower bolts are mounted such that heads thereof are directed toward the jet nozzle, and a length of each of the upper and lower bolts is set so that the upper and lower bolts remain fastened to the steering nozzle when the heads of the upper and lower bolts come into contact with the jet nozzle.

It is advantageous to configure the bolts as recited in claim 1 because, should the upper and lower bolts become slack or otherwise loosen, the heads of the upper and lower bolts can be prevented from being disengaged from the trim ring and the steering nozzle. Application, p. 7, ll. 7-12; and p. 22, ll. 6-21.

The rejection concedes that Henmi fails to disclose or suggest upper and lower bolts configured as recited in claim 1. The rejection apparently further concedes that Kobayashi fails

to disclose or suggest a length of each of said upper and lower bolts is set so that said upper and lower bolts remain fastened to said steering nozzle when said heads of said upper and lower bolts come into contact with the jet nozzle, as recited in claim 1.

The rejection states that the length of the upper and lower bolts is a matter of design choice based on the relative thicknesses of the steering nozzle and the jet nozzle. This assertion is respectfully traversed.

A change in the relative dimension of an element may not result, in and of itself, in patentable subject matter. MPEP 2144.04(IV)(A). However, a change in the dimension of an element can be patentable when the recited dimension results in performance that differs from the prior art. Id.

In the present application, the recited dimensions of the upper and lower bolts result in performance that differs from the prior art and provides distinct advantages. As noted above, the recited configuration for the upper and lower bolts reduces the possibility that the bolts become disengaged from the trim ring and the steering nozzle. Therefore, the dimensions of the upper and lower bolts are more than a mere design choice - the recited dimensions result in the watercraft performing differently from and having distinct advantages over the prior art.

In section 8, claims 7 and 8 were rejected under section 103(a) as being unpatentable over Henmi in view of Kobayashi and further in view of Horwitz (U.S. Patent No. 3,776,173). This rejection is respectfully traversed, and the correctness of the rejection is not conceded.

Claims 7 and 8 both depend from claim 1. Horwitz does not remedy the shortcomings of Henmi and Kobayashi noted above with respect to claim 1. Therefore, claims 7 and 8 should be allowable for at least the same reasons as those provided above with respect to claim 1. Reconsideration and allowance are respectfully requested.

In section 9, claims 16, 18, and 20 were rejected under section 103(a) as being unpatentable over Henmi in view of Horwitz. This rejection is respectfully traversed, and the correctness of the rejection is not conceded.

Claim 16 includes limitations similar to those identified above for claim 1. For example, claim 16 recites a length of each of upper and lower bolts is set so that the upper and lower bolts remain fastened to the steering nozzle when the heads of the upper and lower bolts come into contact with the jet nozzle. Horwitz does not remedy the shortcomings of Henmi noted above with respect to claim 1. Therefore, claim 16, as well as claims 18 and 20 that depend therefrom,

should be allowable for at least similar reasons to those provided above with respect to claim 1. Reconsideration and allowance are respectfully requested.

In section 10, claim 19 was rejected under section 103(a) as being unpatentable over Henmi in view of Horwitz and further in view of Kobayashi. This rejection is respectfully traversed, and the correctness of the rejection is not conceded.

Claim 19 has been canceled, and claim 16 has been amended to incorporate subject matter from claim 19. As noted above, claim 16 should be allowable for at least reasons similar to those provided above with respect to claim 1. Reconsideration and allowance are respectfully requested.

In section 11, claim 17 was rejected under section 103(a) as being unpatentable over Henmi in view of Horwitz and further in view of Jacobson (U.S. Patent No. 3,658,026). This rejection is respectfully traversed, and the correctness of the rejection is not conceded.

Claim 17 depends from claim 16. Jacobson does not remedy the shortcomings of Henmi and Horwitz noted above with respect to claim 16. Therefore, claim 17 should be allowable for at least the same reasons as those provided above with respect to claim 16. Reconsideration and allowance are respectfully requested.

III. Allowable Subject Matter

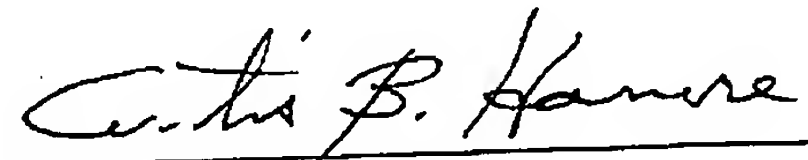
In section 12, claims 9, 10, and 12-15 were noted as being allowed. In addition, in sections 13 and 14, claims 4, 5, 6, and 11 were noted as being allowable. Applicants appreciate the Examiner's assistance in identifying allowable subject matter. All claims should be in condition for allowance.

IV. Conclusion

Favorable reconsideration in the form of a Notice of Allowance is respectfully requested.
Please contact the undersigned attorney with any questions regarding the present application.

Respectfully submitted,
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